

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 28, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Charlene Devine, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 478, 3/17/2017; SB 375, 3/25/2017

Executive Action: HB 94, Be Concurred In As Amended;
HB 426, Be Concurred In As Amended;
HB 404, Be Concurred In As Amended;
HB 165, Be Tabled;
SB 360, Be Tabled

00:00:42 Chair Regier

HEARING ON SB 375

Opening Statement by Sponsor:

00:01:21 Sen. Scott Sales (R), SD 35, opened the hearing on SB 375, Generally revise marriage laws.

Proponents' Testimony: None

Opponents' Testimony:

00:04:04 Nick Domitrovich, office of legal affairs, Department of Public Health and Human Services (DPHHS)

00:10:53 Teresa Kennedy, U.S. Armed Forces

[EXHIBIT\(jus64a01\)](#)

Informational Testimony:

00:16:40 Harlan Wells, director of business services, Montana Secretary of State's Office (SOS)

00:17:06 Jessie Luther, Montana Association of Clerks of District Court (MACDC)

00:17:40 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Questions from Committee Members and Responses:

00:18:05 Sen. Swandal

00:18:21 Ms. Luther, MACDC

00:21:33 Chair Regier

00:21:42 Sen. Sands

00:23:50 Sen. Sales

00:23:54 Sen. Sands

00:25:38 Mr. Domitrovich, DPHHS

00:25:45 Sen. Hinebauch

00:26:06 Sen. Sales

00:31:09 Sen. Gross

00:31:49 Ms. Luther

00:32:23 Sen. Gross

00:32:41 Ms. Young, MCADSV

00:33:17 Sen. Fielder

00:33:39 Ms. Kennedy, self

00:33:49 Sen. Fielder

00:34:06 Ms. Kennedy

00:34:14 Chair Regier

00:34:32 Ms. Kennedy

00:34:44 Chair Regier

00:34:57 Sen. Sales

00:35:57 Sen. MacDonald

00:37:10 Mr. Domitrovich
 00:38:28 Sen. Boland
 00:39:30 Sen. Sales
 00:40:11 Sen. Boland
 00:41:02 Ms. Luther
 00:41:23 Sen. Gross
 00:42:25 Mr. Wells, SOS
 00:42:31 Sen. Gross
 00:43:19 Sen. Sales
 00:45:40 Sen. MacDonald
 00:46:15 Sen. Sales

Closing by Sponsor:

00:46:44 Sen. Sales
 00:49:25 Chair Regier
 00:49:27 President Sales left the hearing.
 00:49:49 Recess
 01:00:25 Reconvene

EXECUTIVE ACTION ON HB 165

01:00:30 Chair Regier
 01:00:56 **Motion/Vote:** Sen. Fielder moved that **HB 165 BE TABLED**. Motion carried 10-1 by voice vote with Sen. Hinkle voting no. Sen. S. Sales and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 360

01:01:34 **Motion:** Sen. Fielder moved that **SB 360 DO PASS**.

Discussion:

01:01:52 Chair Regier
 01:02:01 Julianne Burkhardt, Legislative Services Division
 01:02:09 Sen. Gross
 01:04:22 Sen. Sands
 01:05:30 Sen. Hinebauch
 01:05:47 Sen. Hinkle
 01:07:41 Chair Regier
 01:09:19 Sen. Boland
 01:09:25 **Vote:** Motion failed 4-7 by roll call vote with Sen. Hinebauch, Sen. Hinkle, Sen. K. Regier and Sen. S. Sales voting aye. Sen. S. Sales voted by proxy.

01:10:40 **Motion/Vote:** Sen. Fielder moved that **SB 360 BE TABLED AND THE VOTE REVERSED**. Motion carried 10-1 by voice vote with Sen. Hinkle voting no. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON HB 94

01:11:23 **Motion:** Sen. Fielder moved that **HB 94 BE CONCURRED IN**.

Discussion:

01:11:34 Julianne Burkhardt, Legislative Services Division (LSD)

01:12:10 **Motion:** Sen. Fielder moved that **HB 94 BE AMENDED**.
[EXHIBIT\(jus64a02\)](#)

Discussion:

01:12:40 Ms. Burkhardt, LSD

01:13:13 Sen. Sands

01:13:35 Sen. Fielder

01:14:01 Jon Metropoulos,

01:15:03 Sen. Vincent

01:18:03 Mr. Metropoulos

01:18:18 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

01:18:38 **Motion/Vote:** Sen. Fielder moved that **HB 94 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON HB 426

01:19:31 **Motion:** Sen. Fielder moved that **HB 426 BE CONCURRED IN**.

Discussion:

01:19:45 Chair Regier

01:20:01 Julianne Burkhardt, Legislative Services Division

01:20:16 **Motion:** Sen. Fielder moved that **HB 426 BE AMENDED**.
[EXHIBIT\(jus64a03\)](#)

Discussion:

01:20:32 Chair Regier

01:21:41 Sen. Fielder

01:21:55 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

01:22:09 **Motion/Vote:** Sen. Fielder moved that **HB 426 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. Webb will carry the bill.

EXECUTIVE ACTION ON HB 404

01:23:10 **Motion:** Sen. Fielder moved that **HB 404 BE CONCURRED IN**.

01:23:12 **Motion:** Sen. Fielder moved that **HB 404 BE AMENDED**.
[EXHIBIT\(jus64a04\)](#)

Discussion:

01:23:17 Julianne Burkhardt, Legislative Services Division (LSD)
01:25:51 Sen. Fielder
01:26:04 Sen. MacDonald
01:26:12 Sen. Swandal
01:26:24 Sen. Sands

01:27:00 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

01:27:15 **Motion:** Sen. Fielder moved that **HB 404 BE CONCURRED IN AS AMENDED**.

Discussion:

01:27:23 Sen. Swandal
01:27:47 Sen. Fielder

01:28:31 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy. Sen. Webb will carry the bill.

01:29:38 Chair Regier

ADJOURNMENT

Adjournment: 10:30 AM

Charlene Devine, Secretary

cd

Additional Documents:

EXHIBIT([jus64aad.pdf](#))